UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

FEB 19 2013

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

URGENT LEGAL MATTER
REQUIRES PROMPT RESPONSE

Mr. Sjaak Griffioen, President
DSM NeoResins Inc.
730 Main Street
Wilmington, MA 01887

Re: Clean Air Act Testing Order

Dear Mr. Griffioen:

The United States Environmental Protection Agency ("EPA") is evaluating whether DSM NeoResins, Inc. ("DSM") located at located at 730 Main Street in Wilmington, Massachusetts is in compliance with the Clean Air Act ("the Act") and state and federal regulations promulgated under the Act. These requirements include but are not limited to the federally enforceable sections of the Massachusetts State Implementation Plan ("SIP") regulations at 310 CMR 7.00 et. seq,

Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1), gives EPA the authority to require any person who owns or operates any emission source to establish and maintain records, make reports, sample emissions, and provide such other information as may reasonably be required to enable EPA to determine whether a facility is in compliance with the Clean Air Act.

This Testing Order requires DSM to sample and test emissions of volatile organic compounds ("VOC") and hazardous air pollutants ("HAP") from its facility. Specifically, the order requires DSM to test the VOC and HAP capture efficiency of its air pollution capture system and the VOC and HAP destruction efficiency of its catalytic afterburner.

Definitions

"Day" shall mean a calendar day. When any due date herein falls on a weekend or holiday, the due date shall be deemed to be the following business day.

"Date of receipt" shall be the date indicated on the certified mail "green card," or in any other written acknowledgement of receipt of this Testing Order.

"Hazardous air pollutant" or "HAP" shall be as defined at the Code of Massachusetts Regulations 310 CMR 7.00.

"Volatile organic compound" or "VOC" shall be as defined in the Code of Massachusetts Regulations 310 CMR 7.00.

Testing Order

Within the number of days specified in each paragraph below, DSM shall provide the information and take the steps outlined below. Note that Attachment A to this Testing Order lists required elements of pre-test protocols and test reports.

1. Within 30 days of the date of receipt, contact EPA's William Osbahr at (617) 918-8389 to schedule a pre-test conference and a testing date. At the pre-test conference, EPA will review the various sampling, monitoring, testing, and analysis locations, procedures, and methods to be followed.

2. Within 30 days of the date of receipt, prepare and mail to EPA a pre-test protocol for testing the capture efficiency of the air pollution capture system, and the destruction efficiency of the catalytic afterburner for VOC and HAP (including hydrazine).[1] The testing shall be conducted in accordance with the appropriate methods in 40 CFR Part 60, Appendix A.

3. Within 60 days of the date of receipt, revise and resubmit the emissions testing protocol in accordance with any EPA written comments or required changes. EPA shall approve, approve with conditions, or disapprove the emissions testing protocol in writing.

4. Within 90 days of the date of receipt, DSM s shall complete emissions testing in accordance with the approved emissions testing protocol.

5. In conducting emissions testing, DSM shall provide the information and take the steps outlined below. Specifically, DSM shall:

    a. Use Method 25 and/or Method 25A to measure VOC emissions;

    b. Use Method 18, Method 320, Method TO-15, and/or other EPA approved method to measuring HAP emissions;

    c. Monitor emissions of VOCs and HAPs entering and exiting the catalytic oxidizer;

[1] Final Approval MBR-90-IND-199 requires odorous volatile organic vapors from process feed tanks, blend tanks, cooling tanks and reactor vessels associated with polymer manufacturing operations to be captured and routed to the McGill Americas catalytic afterburner. The Final Approval requires that the pollution control system provide a 99 percent volatile organic compound capture efficiency and greater than 96 percent VOC destruction efficiency.

d. Continuously monitor the pressure drop across the catalyst bed;

e. Continuously monitor the combustion temperature and exhaust gas temperature;

6. Within 30 days of completing emissions testing, DSM shall submit a complete test report to EPA.

Mail the submissions required by this letter to:

Susan Studlien, Director
Office of Environmental Stewardship
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100, OES04-2
Boston, MA 02109-3912
Attn: Joan M. Jouzaitis, Air Technical Unit (Mail Code OES04-2)

AND to:

MassDEP - Northeast Regional Office
205B Lowell Street
Wilmington, Massachusetts 01887
Attn: Mun Wong

Be aware that if DSM does not provide the information in a timely manner, EPA may order it to comply and may assess monetary penalties under Section 113 of the Clean Air Act. Federal law also establishes criminal penalties for providing false information to EPA. This letter is not subject to Office of Management and Budget review pursuant to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

You may assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 CFR § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 CFR Part 2, Subpart B. Note that certain categories of information, such as emission data, are not properly the subject of such a claim. If no such claim accompanies the information when EPA receives it, EPA may make the information available to the public without further notice to you.

If you have any questions regarding this Testing Order, please contact Joan M. Jouzaitis, Environmental Engineer, at (617) 918-1846, or, have your attorney call Thomas T. Olivier, Senior Enforcement Counsel at (617) 918-1737.

Sincerely,

Susan Studlien

Susan Studlien, Director
Office of Environmental Stewardship

cc: William Osbahr, EPA, OEME
Ed Pawlowski, MassDEP Northeast Regional Office

Enclosure

REQUIREMENTS FOR AIR EMISSIONS TESTING

A. PRETEST INFORMATION REQUIREMENTS

In order to establish uniform requirements and help ensure that proper test methods and procedures are utilized, the information specified below must be submitted to EPA Region 1 in the form of a test protocol. EPA will notify the company of any deficiencies or required changes in the test protocol. Following such notification, the company shall revise and resubmit the test protocol for EPA review and approval.

Except as otherwise provided by EPA, the test protocol shall provide for testing in strict accordance with applicable procedures in 40 C.F.R. Part 60, Appendix A, Standards of Performance for New Stationary Sources, or in 40 C.F.R. Part 61, Appendix B, National Emission Standards for Hazardous Air Pollutants. Any variations in sampling or analytical procedures must be indicated in the test protocol and receive written approval from EPA prior to testing.

The test protocol shall provide the following information, at a minimum:

1. Identification and a brief description of the source to be tested. The description shall include:

    a. Type of industrial process or combustion facility;

    b. Type and quantity of raw and finished materials used in the process;

    c. Description of any cyclical or batch operations which would tend to produce variable emissions with time;

    d. Basic operating parameters used to regulate the process; and

    e. Rated capacity of the process.

2. A brief description of the air pollution control equipment associated with the process, including:

    a. Type of control device;

    b. Operating parameters;

    c. Rated capacity and efficiency; and

    d. Ultimate disposal of wastes.

3. Type of pollutant to be sampled (particulate matter, NOx, SO_2, hydrocarbons, etc.).

4. A description of the emission sampling equipment, including a schematic diagram of the sampling train.

5. A description of the sampling and analysis procedures. Reference standard methods, if applicable. Indicate any proposed variations and provide justification.

6. A sketch with dimensions indicating the flow of exhaust gases from the process, through the control equipment and associated ductwork to the stack.

7. In accordance with 40 C.F.R. Part 60, Appendix A, Method 1:

    a. An elevation view of the dimensions of the stack configuration indicating the location of the sampling ports and distances to the nearest upstream and downstream flow interferences; and
    b. A cross-sectional sketch of the stack at the sampling location with dimensions indicating the location of the sampling traverse points.

8. Estimated flue gas conditions at sampling location, including temperature, moisture content, and velocity pressure.

9. A description of the process and control equipment operating data to be collected during the sampling period.

10. Copies of the field data sheet forms to be used during the tests.

11. Names and titles of personnel who will be performing the tests.

12. A description of the procedures for maintaining the integrity of the samples collected, including chain of custody and quality control procedures.

13. Calibration sheets for the dry gas meter, orifice meter, pilot tube, and/or any other equipment that requires calibration.

14. A list of pre-weighed filters to be used during particulate emission testing, including identification and tare weights.

(Note: Items 13 and 14 must be submitted prior to actual testing, but need not be included with the pretest information.)

B. EMISSION TEST REPORT REQUIREMENTS

The emission test report must contain all pertinent data concerning the tests, including a description of the process and operating conditions under which the tests were made, the results of the tests, and test procedures. While the exact format of the report will vary depending upon the type and objective of the tests, below is a suggested format containing elements that must be incorporated in the report.

1. Introduction:

    a. Identification, location, and dates of tests;

    b. Purpose of tests;

    c. Brief description of source; and

    d. Name and affiliation of person in charge of tests.

2. Summary of results:

    a. Operating and emission data; and

    b. Comparison with applicable emission regulations.

3. Source description:

    a. Description of process including operation of emission control equipment;

    b. Flow sheet (if applicable);

    c. Type and quantity of raw and finished materials processed during the tests;

    d. Maximum normal rated capacity of the process; and

    e. Description of process instrumentation monitored during the test.

4. Sampling and analytical procedures:

    a. Description of sampling train and field procedures;

    b. Description of recovery and analytical procedures;

    c. Sketch indicating sampling port locations relative to process, control equipment upstream and downstream flow disturbances; and

d. Sketch or cross-sectional view of stack indicating traverse point locations.

5. Test results and discussion:

   a. Detailed tabulation of results including process operating conditions and flue gases conditions;

   b. Discussion of significance of results relative to operating parameters and emission regulations; and

   c. Discussion of any divergences from normal sampling procedures or operating conditions that could have affected the test results.

6. Calculation and data reduction methods:

   a. Description of computational methods, including the equation format used to obtain final emissions results from field data; and

   b. Sample calculations from at least one run of each type of test performed.

7. Appendix

   a. Copies of all field data collected during the test, including sampling data sheets and process operating logs;

   b. Copies of all analytical laboratory data;

   c. Calculation sheets or computer input and output data;

   d. Sampling equipment and laboratory calibration data;

   e. Names and titles of personnel and organizations participating in the tests;

   f. Visible emission observations performed during the tests (if required); and

   g. Copies of all chain of custody information.